

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

METROPOLITAN LIFE INS. CO.,

Plaintiff

v.

NATIONAL COMMUNICATIONS SYS., INC.
ET AL.,

Defendants.

CIVIL NO. 97-2331 (GZS)

RE: BREACH OF CONTRACT,
DAMAGES AND FRAUD

INFORMATIVE MOTION

TO THE HONORABLE COURT:

COMES NOW PLAINTIFF Metropolitan Life Insurance Company ("MetLife"), and respectfully states:

1. On February 26, 2004, a subpoena *duces tecum* was served upon in-house counsel for MetLife, Mr. Anthony Zitrin, Esq., which was issued by the United States District Court for the Southern District of New York.¹

2. On February 27, 2004, a Motion to Quash the aforementioned subpoena was filed with the United States District Court for the Southern District of New York. This Court issued an Order to Show Cause, set a hearing for March 10, 2004, and in staying the enforcement of said subpoena, stated that "compliance with the subpoena served on [Zitrin] is not required pending the hearing and determination of this application." See Order and copy of Motion to Quash Supoena Duces Tecum attached hereto and incorporated by reference herein.

¹ An identical subpoena *duces tecum* issued by this Court was served upon Mr. Zitrin on the same day. This Court currently has pending before it a Motion to Quash said Subpoena.

WHEREFORE, it is respectfully requested that this Honorable Court (i) take notice of the foregoing and (ii) consider the same in its determination of the Motion to Quash Subpoena pending before it in a manner this Court deems appropriate.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27th day of February, 2004.

I HEREBY CERTIFY that on February 27, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that the following attorneys have been notified either electronically or by regular mail, as may be required: Manuel San Juan, Esq., José A. Axtmayer, Esq., and Dennis B. Parcés-Enríquez, Esq.

Counsel for Plaintiff Metropolitan Life Ins. Co.

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